

Message Text

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ACTION L-02

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC 1765

INFO AMEMBASSY PARIS

DEA HQS WASHDC

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PARIS PASS DEA REGIONAL DIRECTOR

DEPT PASS S/NM AND DEA ATTN: EOIE

E.O. 11652: N/A

TAGS: CBRS, PFOR, SNAR, BP, FR

SUBJ: EXTRADITION: FRANCOIS ROSSI

REF: A. MADRID 2202

1. SUBSEQUENT TO AMBASSADORS DISCUSSION OF ROSSI CASE WITH MINISTER OF JUSTICE, APR 2, FOLLOWING DEVELOPMENTS HAVE TAKEN

PLACE:

A. AMBASSADORS LETTER DATED APR 4 TO MINISTER OF JUSTICE WITH MEMORANDUM DETAILING BACKGROUND OF ROSSI CASE;

B. MINISTER OF JUSTICE'S REPLY DATED APR 10 PROMISING TO KEEP ME INFORMED PROMPTLY ABOUT DECISIONS OF "COMPETENT JUDICIAL AUTHORITIES" WHICH ARE "INDEPENDENT OF EXECUTIVE POWER"

C. DIRECTOR OF PENAL AFFAIRS, APPEALS AND JURISDICTIONAL CONFLICTS IN MINISTRY OF JUSTICE TOLD EMBOFF APRIL 3 THAT COMPETENT JUDGE HAVING JURISDICTION OVER ROSSI'S APPEAL TO SUPREME COURT HAD PLACED HIM ON "PROVISIONAL LIBERTY" MEANING THAT HE COULD NOT LEAVE SPAIN AND HAD TO REPORT REGULARLY TO JUDICIAL AUTHORITIES;

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D. CONSULATE, LEGAL ATTACHE AND DEA ATTACHE

CHECKED INTERPOL, PRISON AUTHORITIES, AND PRISON WHERE ROSSI HELD AND WERE TOLD THAT HE WAS STILL CONFINED AS OF APRIL 30.

E. MINJUSTICE DIRECTOR REITERATED MAY 2 THAT ROSSI HAD BEEN PLACED ON "PROVISIONAL LIBERTY SOME TIME AGO",

F. EMBASSY CONTACTED MAY 2 CHIEF OF MINISTER OF JUSTICE'S PERSONAL OFFICE OUTLINING FOREGOING REPORTS ASKING FOR CLARIFICATION OF ROSSI'S STATUS; OFFICIAL PROMISED TO LOOK INTO MATTER AND INFORM EMBASSY;

G. CONSULAR OFFICER DELIVERED MAY 3 NOTE VERBALE TO MFA DIRECTOR OF GENERAL AFFAIRS WITH COPY SENT BY AMB TO JUSTICE MINISTER REFERRING TO "HIGHEST IMPORTANCE" ATTACHED BY USG TO ROSSI'S EXTRADITION AND CONFIDENCE THAT "NOTHING WOULD IMPEDE CARRYING OUT OF COMMITMENT TO EXTRADITE" BY GOS. CONSULAR OFFICER TOLD MFA THAT AMBASSADOR CONSIDERED ROSSI'S EXTRADITION MOST IMPORTANT MATTER AND EMBASSY FEARED THAT, IF ROSSI WERE RELEASED ON "PROVISIONAL LIBERTY", HE WOULD ESCAPE EXTRADITION. DIRECTOR, WHO WAS FAMILIAR WITH CASE, SAID HE HAD NO KNOWLEDGE OF ANY NEW DEVELOPMENT, AND PROMISED TO ASCERTAIN STATUS OF CASE.

2. EMBASSY OBJECTIVE HAS BEEN TO PREVENT ROSSI FROM ESCAPING FROM JUSTICE IN SPAIN THROUGH SOME LEGAL SUBTERFUGE OR LOOPHOLES. WITH OUR DEMARCHESTO MINISTER OF JUSTICE, MFA, DGS, AND INTERPOL, GOS IS ON NOTICE THAT USG WOULD NOT BE INDIFFERENT TO ROSSI'S ESCAPE FROM SPANISH CUSTODY WITH GOS COMMITTED TO EXTRADITE HIM TO U.S. IN ABSENCE OF CONFIRMATION THAT "PROVISIONAL LIBERTY" HAS BEEN CARRIED OUT, WE BELIEVE THIS IS AS FAR AS EMBASSY CAN GO IN ITS DEMARCHES WITH GOS.
STABLER

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